

JUN. 19. 2003 4:15PM

HOWREY SIMON ARNOLD

09543,679

NO. 0626 P. 5/10

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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| In re Appl.: | Nyce, J. W. | : Group Art Unit: | 1635 |
| Serial No: | 09543,679 | : Appl. Ref. No: | EPI-00671b |
| Filed: | April 4, 2000 | : Examiner: | Dr. Epps |
| Title: | LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS, KIT & METHOD FOR TREATMENT OF AIRWAY DISORDERS ASSOCIATED WITH BRONCHOCONSTRICITION, LUNG INFLAMMATION, ALLERGY(IES) & SURFACTANT DEPLETION | | |

RESPONSE

Sir/Madam:

This is in response to the examiner's Communication of March 4, 2002, in the above-identified application.

1- Restriction Response

The applicant elects, with traverse, and for searching purposes only, the target "Interleukin-4 Receptor", and among its sequences SEQ ID NO: 1126 and its fragments. It is understood that the remaining targets and sequences will be rejoined upon a finding of allowable subject matter in this case.

2- Amendment

The applicant is submitting herewith a corrected Sequence Listing and Substitute Specification (marked and clean copies), and a Declaration relating to the text of the latter two documents. The examiner is requested to enter these amendments in the above-identified application.

REMARKS

1- Requirement for Restriction

The examiner had required restriction to one of several groups of targets recited in the claims under 35 USC 1.121. The applicant had previously selected "receptor targets", and amongst the receptors is now electing "Interleukin-4 Receptor", for searching purposes only, as described above. In addition, the examiner requested that the applicant elect one sequence representative of the group. The applicant is electing SEQ. ID NO: 1126 and its fragments, for searching purposes only.

2- AmendmentTHE CLAIMS

Claims 1-91 are pending in this application, and no claims have been amended. Consideration and allowance of these claims is requested.

THE SEQUENCE LISTING & THE SPECIFICATION

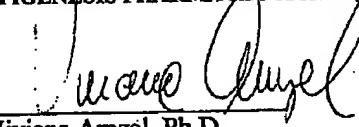
The applicant has corrected the sequence numbering in the Sequence Listing, and added to the specification any sequences that were present in the Sequence Listing but not in the specification as filed. No objectionable new matter has been added hereby, as attested by the attached Declaration.

THE FEE

No fee is owed for this response. The Assistant Commissioner, however, is hereby authorized to charge to PTO Account No. 50-1728, any amount owed, including an extension fee, if needed. An extension of time is herewith being requested, if needed.

In view of the above amendments and remarks, this application is believed to be in condition for examination and allowance. Early notice to that effect is hereby solicited.

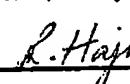
Respectfully submitted.
EPIGENESIS PHARMACEUTICALS, INC.


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April 4, 2002
Date

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I hereby certify that this correspondence is being deposited at the United States Postal Service, First Class Mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington D C 20231, on April 4, 2002, by Rashida Haji.


SIGNATURE

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